

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: David Fako and
Kelley Fako

Debtor(s).

)
) Case No. 20-70019-JAD
)
) Chapter 13
) Related to ECF No. 85
X

ORDER OF COURT
(Check Boxes That Apply)

☒ Confirming Plan on Final Basis

☐ Chapter 13 Plan dated:

☐ Authorizing Distributions Under Plan ☒ Amended Chapter 13 dated:
On Interim Basis Solely as Adequate 7-12-2023
Protection

IT IS HEREBY ORDERED that the Chapter 13 Plan Payment is \$4614 effective 9/2020.

IT IS HEREBY ORDERED that pursuant to the plan identified above (the "Plan"), as the same may be modified by this Order, the Chapter 13 Trustee is authorized to make distributions to creditors holding allowed claims from available funds on hand. Such distributions shall commence no earlier than the Chapter 13 Trustee's next available distribution date after the first day of the month following the date on which this Order is entered on the Court's docket.

IT IS FURTHER ORDERED that those terms of the Plan which are not expressly modified by this Order shall remain in full force and effect. To the extent any terms and conditions of the Plan are in conflict with this Order, the terms of this Order shall supersede and replace any conflicting terms and conditions of the Plan.

1. **Unique Provisions Applicable Only to This Case: Only those provisions which are checked below apply to this case:**

- ☐ A. For the remainder of the Plan term, the periodic monthly Plan payment is amended to be \$_____, beginning _____. To the extent there is no wage attachment in place or if an existing wage attachment is insufficient to fund the Plan payments, counsel to the Debtor(s) shall within seven (7) days hereof file a wage attachment motion (or motions) to fully fund the Plan payments, or shall sign up for and commence payments under the Trustee's TFS online payment program.

- ☐ B. The length of the Plan is changed to a total of at least ____ months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved.
- ☐ C. To the extent this Order is entered as a form of adequate protection, the Trustee is authorized to distribute to secured and priority creditors with percentage fees payable to the Chapter 13 Trustee on receipt as provided for in 28 U.S.C. §586. ***Continued conciliation conferences before the Trustee or contested hearings before the Court shall proceed on such dates and times as appear on the case docket.*** The Trustee is deemed to have a continuous objection to the Plan until such time the Plan is confirmed on a final basis.

PARTIES ARE REMINDED OF THEIR DUTY TO MONITOR THE COURT'S DOCKET AND ATTEND DULY SCHEDULED HEARINGS. THE PARTIES ARE FURTHER REMINDED OF THEIR DUTY TO MEET AND CONFER AND OTHERWISE ENGAGE IN GOOD FAITH SETTLEMENT NEGOTIATIONS WITH RESPECT TO ANY OBJECTION TO PLAN CONFIRMATION. FAILURE TO COMPLY WITH THESE DUTIES MAY RESULT IN THE IMPOSITION OF SANCTIONS AGAINST THE OFFENDING PARTY.

- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. The following utility creditor _____ shall be paid monthly payments of \$_____ beginning with the Trustee's next distribution and continuing for the duration of the Plan's term, to be applied by that creditor to its administrative claim, ongoing budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim:
*Peritus Portfolio CL#13 as a pay in full
- ☐ H. The secured claims of the following creditors shall govern as to claim amount, to be paid at the modified plan interest rate in a monthly amount to be determined by Trustee to pay the claim in full during the Plan term:

- ☐ I. The secured claim(s) of the following creditors shall govern as to claim amount, to be paid at the indicated interest rate in a monthly amount to be determined by Trustee to pay in full during the Plan term:
-

- ☐ J. The secured claim(s) of the following creditor(s) shall govern, following all allowed post-petition payment change notices filed of record:
-

- ☒ K. Additional Terms and Conditions:

*Unsecured creditors to be paid 44%

**All plan payments must be by TFS, WA, or (where eligible) ACH. Trustee reserves the right to reject money orders or cashier's checks, provided further that if she, in her discretion, presents such items for payments she may keep the funds on hold for more than 30 days before distributing on such types of payments. Debtors making payments by money order or cashier's check assume the risk that distributions under the plan will be delayed because of the failure to pay by one of the approved methods.*

2. Deadlines. The following deadlines are hereby established and apply to this case:

A. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates a sale or sales of assets or the recovery of litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

B. Review of Claims Docket and Objections to Claims. Pursuant to *W.P.A.LBR 3021-1(c)(2)*, the Debtor(s) (or Debtor(s)' attorney, if represented), shall review the proofs of claim filed in this case and shall file objections (1) to any disputed timely filed claims within ninety (90) days after the claims bar date, or (2) to any disputed late filed or amended claims within ninety (90) days after the amended and/or late claims are filed and served. Absent a timely objection or further order of the Court, the timely filed proof of claim will govern as to the classification and amount of the claim; provided however, no creditor shall receive a distribution in this case until such time as the relevant allowed claim is provided for in the Plan or any subsequent amended plan.

C. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, and all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

D. Filing Amended Plans or Other Stipulation. Within fourteen (14) days after the Bankruptcy Court resolves the priority of a claim, avoidability of a lien or interest, or extent of a lien, or any objection to claim, the Debtor(s) shall file an Amended Plan or Stipulated Order Modifying Plan to provide for the allowed amount of the lien or claim if the allowed amount and/or treatment differs from the amount and/or treatment stated in the Plan. The Debtor(s) or Counsel for Debtor(s) should inquire with the Chapter 13 Trustee regarding whether an Amended Plan or proposed Stipulated Order Modifying Plan is the preferred course of action. In addition, if after the conclusion of the claims bar date and any associated litigation, the Plan is underfunded, Debtor(s) shall also file (1) an amended Plan increasing the monthly Plan payment, and (2) a revised wage attachment to provide for the increased funding.

3. Additional Provisions. The following additional provisions apply in this case:

A. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

B. The Trustee shall hold in reserve any distributions under the Plan to any creditor who holds a claim that is provided for in the Plan but which is subject to a duly filed claims objection. Upon entry of further order of the Court, or ultimate allowance of the disputed claim provided for in the Plan, the Trustee may release the reserve and make distribution to the affected creditor. Unless otherwise permitted by separate Order of Court, Trustee shall not commence distributions to unsecured creditors until after the later of the government bar date and a filed notice of an intention to pay claims (the later date being the "Earliest Unsecured Distribution Date"). Trustee may, but has no obligation to, further defer distributions to unsecured creditors until a later date after the Earliest Unsecured Distribution Date.

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor(s)' counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.


E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any allowed ***secured claim*** (that is secured by the property subject to the relief from stay order), unless otherwise directed by further Order of Court.

G. The Debtor(s) shall maintain all policies of insurance on all property of the Debtor(s) and this estate as required by law and/or contract.

H. The Debtor(s) shall pay timely all post-confirmation tax liabilities directly to the appropriate taxing authorities as they become due.

Dated: August 18, 2023



JEFFERY A. DELLER
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk

FILED
8/18/23 9:46 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

In re:
David Fako
Kelley Fako
Debtors

Case No. 20-70019-JAD
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7
Date Rcvd: Aug 18, 2023

User: auto
Form ID: pdf900

Page 1 of 4
Total Noticed: 41

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. § 342(f)/Fed. R. Bank. P. 2002(g)(4).

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 20, 2023:

Recip ID	Recipient Name and Address
db/jdb	+ David Fako, Kelley Fako, 12 Harmony Drive, Indiana, PA 15701-7830
15185819	Bb&t, Credit Disputes, Wilson, NC 27894
15185830	+ Pa Sta Empcu, P.o. Box 1006, Harrisburg, PA 17108-1006
15185832	Sheffield Financial Co, Attn Credit Disputes Dept, Clemmons, NC 27012

TOTAL: 4

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: rmscedi@recoverycorp.com	Aug 18 2023 23:29:11	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
cr	+ Email/Text: BKSPSElectronicCourtNotifications@spservicing.com	Aug 18 2023 23:17:00	SELECT PORTFOLIO SERVICING, INC, PO Box 65250, Salt Lake City, UT 84165-0250
cr	+ Email/Text: SLSBKNotices@nationalbankruptcy.com	Aug 18 2023 23:16:00	SPECIALIZED LOAN SERVICING LLC, P.O. Box 9013, Addison, TX 75001-9013
cr	+ Email/Text: SLSBKNotices@nationalbankruptcy.com	Aug 18 2023 23:16:00	SPECIALIZED LOAN SERVICING LLC, 14841 DALLAS PKWY SUITE 425, Dallas, TX 75254-8067
cr	+ Email/Text: bkelectronicnoticecourtmail@computershare.com	Aug 18 2023 23:16:00	Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300, Highlands Ranch, CO 80129-2386
15207887	Email/PDF: bncnotices@becket-lee.com	Aug 18 2023 23:29:12	American Express National Bank, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
15185817	+ Email/PDF: bncnotices@becket-lee.com	Aug 18 2023 23:29:12	Amex, P.o. Box 981537, El Paso, TX 79998-1537
15185818	+ Email/Text: BarclaysBankDelaware@tsico.com	Aug 18 2023 23:16:00	Barclays Bank Delaware, P.o. Box 8803, Wilmington, DE 19899-8803
15201221	+ Email/Text: bankruptcy@bbandt.com	Aug 18 2023 23:16:00	Branch Banking and Trust, now Truist, PO Box 1847, Wilson, NC 27894-1847
15185820	+ Email/PDF: AIS.cocard.ebn@aisinfo.com	Aug 18 2023 23:29:12	Cap1/cabelas, 4800 Nw 1st Street, Lincoln, NE 68521-4463
15185821	+ Email/PDF: AIS.cocard.ebn@aisinfo.com	Aug 19 2023 09:02:10	Capital One, Po Box 30253, Salt Lake City, UT 84130-0253
15197276	Email/PDF: AIS.cocard.ebn@aisinfo.com	Aug 18 2023 23:29:06	Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
15185822	+ Email/PDF: AIS.cocard.ebn@aisinfo.com	Aug 18 2023 23:29:11	Capital One Bank Usa N, Po Box 30281, Salt Lake City, UT 84130-0281
15185824	+ Email/PDF: Citi.BNC.Correspondence@citi.com		

District/off: 0315-7

User: auto

Page 2 of 4

Date Rcvd: Aug 18, 2023

Form ID: pdf900

Total Noticed: 41

		Aug 18 2023 23:29:12	Citicards Cbna, Po Box 6217, Sioux Falls, SD 57117-6217
15188532	Email/Text: mrdiscen@discover.com		
		Aug 18 2023 23:16:00	Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
15185825	+ Email/Text: mrdiscen@discover.com		
		Aug 18 2023 23:16:00	Discover Fin Svcs Llc, Pob 15316, Wilmington, DE 19850-5316
15507130	+ Email/Text: BKSPSElectronicCourtNotifications@spservicing.com		
		Aug 18 2023 23:17:00	Federal Home Loan Mortgage Corporation, as Trustee, Serviced by Select Portfolio Servicing,, PO Box 65250, Salt Lake City, UT 84165-0250
15185826	+ Email/Text: ElectronicBankruptcyNotices@fnb-corp.com		
		Aug 18 2023 23:16:00	First National Bank of Pennsylvania, 4140 E. State St, Hermitage, PA 16148-3401
15197148	+ Email/Text: ElectronicBankruptcyNotices@fnb-corp.com		
		Aug 18 2023 23:16:00	First Natl Bk Of Pa, 4140 E State St, Hermitage, PA 16148-3401
15219503	Email/Text: JCAP_BNC_Notices@jcap.com		
		Aug 18 2023 23:17:00	Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-9617
15185827	Email/PDF: ais.chase.ebn@aisinfo.com		
		Aug 18 2023 23:29:06	Jpmcb Card, Po Box 15369, Wilmington, DE 19850
15204002	+ Email/Text: RASEBN@raslg.com		
		Aug 18 2023 23:16:00	JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A., c/o Robertson, Anschutz & Schneid, P.L., 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
15196897	+ Email/Text: JPMCBKnotices@nationalbankruptcy.com		
		Aug 18 2023 23:16:00	JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A., c/o National Bankruptcy Services, LLC, P.O. Box 9013, Addison, Texas 75001-9013
15220836	Email/PDF: resurgentbknofications@resurgent.com		
		Aug 18 2023 23:29:03	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
15197150	+ Email/Text: Documentfiling@lciinc.com		
		Aug 18 2023 23:16:00	Lending Club Corp, 595 Market St, San Francisco, CA 94105-2802
15185828	+ Email/Text: Documentfiling@lciinc.com		
		Aug 18 2023 23:16:00	LendingClub Corporation, 595 Market St, Suite 200, San Francisco, CA 94105-2802
15194292	Email/Text: GUARBKe-courtdocs@ascendiumeducation.org		
		Aug 18 2023 23:16:00	NAVIENT SOLUTIONS, LLC. ON BEHALF OF, Ascendium Education Solutions, Inc., Po Box 8961, Madison, WI 53708-8961
15185829	+ Email/PDF: pa_dc_claims@navient.com		
		Aug 18 2023 23:29:11	Navient, Po Box 9500, Wilkes Barre, PA 18773-9500
15319021	Email/Text: peritus@ebn.phinsolutions.com		
		Aug 18 2023 23:17:00	PERITUS PORTFOLIO SERVICES LLC, PO BOX 141419, Irving, Tx 75014-1419
15211347	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com		
		Aug 18 2023 23:29:03	Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
15201267	+ Email/Text: bankruptcynotices@psecu.com		
		Aug 18 2023 23:17:00	PSECU, PO BOX 67013, HARRISBURG, PA 17106-7013
15185831	+ Email/PDF: SoFiBKNotifications@resurgent.com		
		Aug 18 2023 23:29:11	Sflndcorp, One Letterman Drive, San Francisco, CA 94129-1494
15214023	Email/Text: bankruptcy@bbandt.com		
		Aug 18 2023 23:17:00	Sheffield Financial, PO Box 1847, Wilson, NC 27894-1847
15247680	+ Email/Text: bkelectronicnoticecourtmail@computershare.com		
		Aug 18 2023 23:16:00	Specialized Loan Servicing LLC, 6200 S. Quebec Street, Greenwood Village, CO 80111-4720
15185833	+ Email/PDF: ais.sync.ebn@aisinfo.com		
		Aug 19 2023 09:01:57	Syncb/amazon, Po Box 965015, Orlando, FL 32896-5015
15185834	+ Email/PDF: ais.sync.ebn@aisinfo.com		
		Aug 19 2023 09:01:57	Syncb/lowes, Po Box 956005, Orlando, FL 32896-0001
15186156	+ Email/PDF: ais.sync.ebn@aisinfo.com		
		Aug 18 2023 23:29:06	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA

District/off: 0315-7

User: auto

Page 3 of 4

Date Rcvd: Aug 18, 2023

Form ID: pdf900

Total Noticed: 41

23541-1021

TOTAL: 37

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Federal Home Loan Mortgage Corporation, as Trustee
15185823		Capital One Bank Usa N
15197145		Capital One Bank Usa N
cr	*P++	PERITUS PORTFOLIO SERVICES, PO BOX 141419, IRVING TX 75014-1419, address filed with court:, PERITUS PORTFOLIO SERVICES LLC, PO BOX 141419, Irving, Tx 75014-1419
cr	*	PSECU, PO Box 67013, Harrisburg, PA 17106-7013
cr	*+	Specialized Loan Servicing LLC, 14841 Dallas Parkway, Suite 425, Dallas, TX 75254-8067
15207889	*	American Express National Bank, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
15209862	*	American Express National Bank, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
15197139	*+	Amex, P.o. Box 981537, El Paso, TX 79998-1537
15197140	*+	Barclays Bank Delaware, P.o. Box 8803, Wilmington, DE 19899-8803
15197141	*	Bb&t, Credit Disputes, Wilson, NC 27894
15197142	*+	Cap1/cabelas, 4800 Nw 1st Street, Lincoln, NE 68521-4463
15197143	*+	Capital One, Po Box 30253, Salt Lake City, UT 84130-0253
15197144	*+	Capital One Bank Usa N, Po Box 30281, Salt Lake City, UT 84130-0281
15197146	*+	Citicards Cbna, Po Box 6217, Sioux Falls, SD 57117-6217
15197147	*+	Discover Fin Svcs Llc, Pob 15316, Wilmington, DE 19850-5316
15197149	*P++	JPMORGAN CHASE BANK N A, BANKRUPTCY MAIL INTAKE TEAM, 700 KANSAS LANE FLOOR 01, MONROE LA 71203-4774, address filed with court:, Jpmcb Card, Po Box 15369, Wilmington, DE 19850
15197010	*+	JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A., c/o National Bankruptcy Services, LLC, P.O. Box 9013, Addison, Texas 75001-9013
15197151	*+	Navient, Po Box 9500, Wilkes Barre, PA 18773-9500
15197152	*+	Pa Sta Empcu, P.o. Box 1006, Harrisburg, PA 17108-1006
15197153	*+	Sflndcorp, One Letterman Drive, San Francisco, CA 94129-1494
15197154	*	Sheffield Financial Co, Attn Credit Disputes Dept, Clemmons, NC 27012
15197155	*+	Syncb/amazon, Po Box 965015, Orlando, FL 32896-5015
15197156	*+	Syncb/lowes, Po Box 956005, Orlando, FL 32896-0001

TOTAL: 3 Undeliverable, 21 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 20, 2023

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 18, 2023 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor Federal Home Loan Mortgage Corporation as Trustee for the benefit of the Freddie Mac Seasoned Loans Structured Transaction Trust, Series 2022-2 bnicholas@kmlawgroup.com

District/off: 0315-7

User: auto

Page 4 of 4

Date Rcvd: Aug 18, 2023

Form ID: pdf900

Total Noticed: 41

Lawrence W. Willis

on behalf of Joint Debtor Kelley Fako ecf@westernpabankruptcy.com urfreshstrt@gmail.com;willislr88866@notify.bestcase.com

Lawrence W. Willis

on behalf of Debtor David Fako ecf@westernpabankruptcy.com urfreshstrt@gmail.com;willislr88866@notify.bestcase.com

Office of the United States Trustee

ustpregion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteedpa.com

TOTAL: 5